



Paper No. 5

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In re Application of
Janusz, *et al.*
Application No. 09/875,529
Filed: June 6, 2001
Attorney Docket No. RF000/000RF-U

LETTER

DEC 19 2001

OFFICE OF PETITIONS

This is in response to the August 30, 2001 petition under 37 C.F.R. §1.47(a).

This application was filed on June 6, 2001. However, the application lacked a declaration signed by inventor Gerald E. Janusz; his signature is required under 35 U.S.C. §25, 35 U.S.C. §115, 37 C.F.R. §1.63, and 37 C.F.R. §1.68. Accordingly, the Office of Initial Patent Examination (hereinafter "OIPE") mailed a notice to file missing parts of nonprovisional application (hereinafter "notice") to the address of record on August 3, 2001. The notice requested a signed declaration and set a two month period for replying. Petitioner responded with the August 30, 2001 filing of this petition.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.¹

With respect to requirement number (3) above, advance payment of Patent and Trademark Office fees are required before the action requested can be taken.² Petitioner has not yet paid the required petition fee.³ Therefore, this petition lacks requirement number (3) above and is accordingly **DISMISSED**.

¹ See 37 C.F.R. §1.47 "Filing when an inventor refuses to sign or cannot be reached."

² "37 C.F.R. §1.22 Fees payable in advance.

(a) Patent and trademark fees and charges payable to the Patent and Trademark Office are required to be paid in advance, that is, at the time of requesting any action by the Office for which a fee or charge is payable..."

³ 37 C.F.R. §1.17(h) sets this fee at \$130.00.

Petitioner is given TWO MONTHS from the mailing date of this decision to respond, correcting the above-noted deficiency. Any response should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

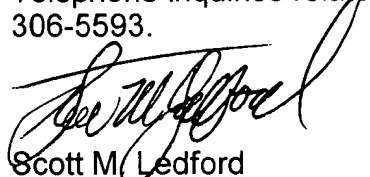
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at 703-306-5593.



Scott M. Ledford
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Office of the Deputy Commissioner
for Patent Examination Policy